

dullness over the eyes, and urination difficulties. The article would not be effective for such purposes.

DISPOSITION: April 16, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2138. Misbranding of Depolaray (device). U. S. v. 1 * * * and a number of circulars. (F. D. C. No. 18475. Sample No. 24542-H.)

LIBEL FILED: December 3, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about June 5, 1945, by the College of Electronic Medicine, from San Francisco, Calif.

PRODUCT: 1 *Depolaray* (device) and a number of circulars entitled "General Reflex Centers and Visceral Centers in Spine" and "Depolaray Procedures" at New Orleans, La. Examination showed that the device consisted essentially of a weak electromagnet operated from a light circuit and equipped with a mechanism intended to produce a vibrating noise.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars were false and misleading since they represented and suggested that the device would be effective in the treatment of the diseases, conditions, and symptoms stated and implied, whereas it would not be effective for such purposes. The statements in the accompanying circulars represented and suggested that the device would be effective in the treatment of acid stomach, appendicitis, arthritis deformans, cerebral abscess, renal colic, colitis, cystitis, catarrhal deafness, diarrhea, abdominal and cardiac dropsy, duodenal ulcer, earache, fecal obstruction, gallstones, gastric ulcer, gastritis, gastroduodenitis, glaucoma, goiter, and hay fever; bilious, neuralgic, ocular, and uterine headache; herpes zoster (shingles), hiccough, hysteria, hystero-epilepsy, impacted gall duct, impotence, incontinence of urine, and infantile paralysis; general inflammation and inflammation of bladder, bowel, bronchi, kidneys, larynx, lungs, meninges, ovaries, pharynx, pleura, stomach, and uterus; influenza, intestinal neuralgia, insomnia, iritis, jaundice, lactation disorders, lacunar tonsillitis, la grippe, laryngeal paralysis, laryngeal stridulous, laryngitis, leukemia, leucorrhea, lobar pneumonia, lockjaw, lumbago, lumbo-abdominal neuralgia, mastoiditis, measles, memory disorders, meningitis, micturition, migraine, movable kidney, mucous colic, mumps, nephritis, trigeminal and brachial neuralgia, neuralgia of the feet, nodding spasm, optic atrophy, optic neuritis, ovarian diseases, palpitation, pancreatic calculi, pancreatic hemorrhage, pancreatitis, paralysis agitans, paralysis crural and facial, parotitis, pellagra, pericarditis, peritonitis, pertussis, pharyngitis, pleurisy, pneumonia, prolapsed kidney, prolapsed uterus, prostatic diseases, ptosis of eyelid, pyelitis, quinsy, rectal fistula, rectal neuralgia, rectal hemorrhage, retinitis, rheumatic fever, rheumatism, sciatica, sneezing, softening of brain, splenitis, splenoptosis, stomatitis, suppression of urine, arterial tension, pendulous testicle, tetanus, tic douloureux, tonsillitis, toothache, toxic gastritis, typhoid fever, typhus fever, uremia, urethritis, uterine catarrh, utero-version, vaginitis, valvular lesions, vomiting, pernicious whooping cough, writer's cramp, stomach worms, wry neck, abdominal gas pains, appendix pains, arm pain or distress, asthma, backache, bladder distress, boils, bowel stoppage, bruises, bronchitis, bursitis, charleyhorse, colds, digestive distress, fractures, gall bladder distress, hemorrhoids or piles, high blood pressure, hip pointers, lumbago, lymphatic gland enlargement, pleurisy pain, shin splints, shoulder distresses, sinusitis, sprains, strains, strep or sore throat, impaired or lost voice, and spastic sphincter; and derangements of the appendix, bladder, bronchi, diaphragm, gall bladder, heart, mammary gland, small intestines, kidneys, larynx, thyroid gland, liver, lungs, ovaries and testes, stomach, and uterus.

DISPOSITION: April 7, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the Food and Drug Administration.

2139. Misbranding of Vapo-Path (device). U. S. v. * * * and various appliances and literature (and 1 other seizure action). (F. D. C. Nos. 19694, 19957. Sample Nos. 3000-H, 53208-H.)

LIBELS FILED: April 18 and May 25, 1946, District of Columbia and Western District of Kentucky.

ALLEGED SHIPMENT: On or about October 29, 1945, and February 19, 1946, by the Consolidated Manufacturing Co., from Dayton, Ohio.

PRODUCT: 1 *Vapo-Path* (device) with appliances and various drugs and a number of leaflets entitled "Be a Millionaire In Your Home Town" and booklets entitled "Vapo Path Must Be Good" at Washington, D. C.; also 1 *Vapo Path* (device) with similar appliances and drugs and a number of booklets entitled "Vapo Path Must Be Good" at Murray, Ky.

The device consisted of an electric- or gas-heated, thermostatically-controlled generator and the following appliances: Bath cabinets, metal and canvas masks, enamel and metal foot and leg baths, metal hoods for applying vapor locally to the body, plumbing connections and fittings, and a trough to collect condensed vapors. With the outfit seized at Washington, D. C., were 2 electrically-heated vaporizers called "Vapo Aids." The drugs contained minerals and volatile substances.

Steam produced in the generator would pass over various plates containing the drugs, and it was alleged in the labeling that the steam would "Steam Distill" the drugs. The appliances were for the purpose of applying this steam to the part to be treated. The vapors would become permeated with some of the volatile substances, principally naphthalene, but would contain no minerals.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying leaflets entitled "Be a Millionaire In Your Home Town" and the booklets entitled "Vapo Path Must Be Good" were false and misleading. These statements represented and suggested that the device and the drugs would be effective for arthritis, diabetes, poor elimination, poor circulation, lack of minerals in the body, illness, abscess on the lung, continuous cough, sleeplessness, loss of weight, rheumatism, disease of the stomach and kidneys, bad heart conditions, muscular rheumatism, accumulation of poisons in the system, improper elimination, inflammatory rheumatism, nervousness, stiff joints, melancholia, blood poisonings, swelling of eyes, hands, and knees, infection of the sciatic nerve, acidosis, rash, abscesses, high and low temperatures, decay of the jawbone and sinus, poison in the system, slow kidney action, acid condition, lazy liver, bloating, hay fever, incurable, hopeless, and serious physical conditions, illness in general, numerous conditions of almost every description, and whatever is wrong. The statements in the labeling represented further that the articles would be effective for straightening out the difficulties with which the human system may be struggling, would supply those elements in which the body may be deficient, would attack the basic cause of the vast majority of ailments, and would be effective to prevent serious illness, correct improper conditions, keep one fit, buoyant, and in good health, supply beneficial mineral fumes, and correct deficiencies of the human system. The device and drugs would not be efficacious for the purposes represented and suggested.

DISPOSITION: August 16 and November 13, 1946. Vapo Path, Inc., Dayton, Ohio, having appeared as claimant in both actions, and Miss Frances Bradley having appeared also as claimant in the Kentucky action, and the claimants having consented to the entry of decrees, judgments of condemnation were entered and the articles were ordered released under bond to be destroyed or brought into compliance with the law, under the supervision of the Federal Security Agency.

2140. Pso-Ridisal. Suit for injunction. Fred B. Collier and Dianne I. Collier (Nu-Basic Products Co.) v. Paul V. McNutt, Federal Security Administrator, et al. Complaint dismissed.

On September 20, 1944, Fred B. Collier and Dianne I. Collier, trading as the Nu-Basic Products Co., at Royal Oak, Mich., filed a petition for an injunction against Paul V. McNutt, Federal Security Administrator, Paul B. Dunbar, Commissioner of the Food and Drug Administration, and George P. Larrick, Acting Commissioner of the Food and Drug Administration. The complainants petitioned that the defendants and their agents be restrained and enjoined from instituting legal proceedings with respect to the complainants' product known as *Pso-Ridisal*.

A motion to dismiss the action and for summary judgment was filed on behalf of the defendants. On November 7, 1944, the court entered an order granting such motion, and in connection with such order, made the following findings of fact and conclusions of law:

MATTHEW F. MCGUIRE, *District Judge:*